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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,086	02/02/2004	Kouichi Takamine	50023-218	6559

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McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
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2141

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

7/2

<b>Office Action Summary</b>	Application No. 10/768,086	Applicant(s) TAKAMINE ET AL.	
	Examiner Nicholas R. Taylor	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-16 have been presented for examination and are rejected.
2. In light of applicant's arguments and amendment, the rejection under 35 U.S.C. § 101 is withdrawn.
3. Claim 10 is objected to for the minor grammatical/spelling errors "give" and "form."

### ***Response to Arguments***

4. Applicant's arguments filed November 7th, 2007, have been fully considered but they are deemed not persuasive.
5. In the remarks, applicant argued in substance that:

(A) The prior art of Mattaway does not teach sending to a receiving terminal an instruction that is being adopted to control both a first application operating on a sending terminal and a second application operating on the receiving terminal. Rather, Mattaway merely teaches a collaborative multimedia application where changes on the receiving application are carried out by copying and data sharing.

As to point (A), Mattaway teaches a cooperative application system for controlling a first and second application through the use of a collaborative whiteboard interface (col. 2, lines 32-45 and col. 3, lines 53-66). The applications operate on sending and receiving terminals based on user input (i.e., user operations) to a graphical user interface (see, e.g., col. 8, lines 19-51). For example, a user may give an instruction to modify the whiteboard with an application data file or work together on a common application (see col. 8, lines 1-8 and col. 9, lines 4-8). Any instruction is then adapted to control both the first and second application (see, e.g., col. 8, lines 19-51 and fig. 3, item 302, where a user operation that drags a file onto the whiteboard operation is adapted to control the display and availability of the file on both the first and second application interface; similarly, see the toolbar drawing interactions of col. 11, lines 8-66). The amended claim language does not give any further definition to the term "instruction" and would reasonably be interpreted to include the control instructions taught by Mattaway.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mattaway (U.S. Patent No. 6,728,784).

8. As per claims 1, 7, 12, 14, and 16, Mattaway teaches a cooperative application system for controlling a first application and a second application respectively operating on a sending terminal and a receiving terminal that are connected via a network, the system comprising: (Mattaway, col. 2, lines 32-44 and fig. 2)

the sending terminal including:

a first application-control unit that is operable to give an instruction to the first application, according to a user operation of the first application or a preset condition of the first application, the instruction being adapted to control both the first application and the second application; and (Mattaway, col. 8, lines 19-51 and fig. 3, item 302; see also, e.g., col. 11, lines 8-66 interactive toolbar drawing instructions)

a sending unit that is operable to send the instruction given to the first application to the receiving terminal; and (Mattaway, col. 7, line 47 to col. 8, line 9; see the structure of fig. 1 from the transmitting client perspective)

the receiving terminal including

a receiving unit that is operable to receive the instruction given to the first application from the sending terminal, and (Mattaway, col. 8, lines 19-51)

a second application-control unit that is operable to give the instruction received from the sending terminal, to the second application (Mattaway, col. 7, line 47 to col. 8, line 9; see the structure of fig. 1 from the receiving client perspective).

9. As per claims 2 and 8, Mattaway teaches the system further wherein at least said sending terminal or said receiving terminal further comprises an application-data-management unit that is operable to check at least one kind of: the type of the second application or the first application; the status of the first application; and the compatibility of the application data being used by the first application, with its own terminal (Mattaway, col. 9, lines 20-42).

10. As per claim 3, Mattaway teaches the system further wherein said sending unit is operable to send to a specified server, address information of said receiving terminal, contents used by the second application, and a send instruction to send said contents to said receiving terminal; and wherein said receiving unit is operable to receive said contents from said server and give said contents to the second application (Mattaway, col. 8, lines 9-19; col. 5, lines 13-49; col. 5, line 66 to col. 6, line 22, e.g., where the receiving terminals receive contents from the specified server).

11. As per claim 4, Mattaway teaches the system further wherein said sending unit is operable to send to a specified server the contents that are used by second application, and send the address information for said server to the receiving unit of said receiving terminal; and wherein said receiving unit is operable to receive said contents from said server based on the received address information for said server, and give said contents to the second application (Mattaway, col. 5, lines 13-49; col. 8, lines 9-19; col.

5, line 66 to col. 6, line 22, e.g., where the receiving terminals receive contents from the specified server).

12. As per claims 5, 13, and 15, Mattaway teaches the system further wherein said sending terminal further includes a first time-control unit that is operable to synchronize a video signal that is input to a video-input unit, an audio signal that is input to an audio-input unit and the instruction outputted from said first application-control unit, and wherein said receiving terminal further includes a second time-control unit that is operable to synchronize and output the video, audio, and the instruction received by the receiving unit (Mattaway, col. 7, lines 24-33; see video/audio receiving and transmission in col. 8, lines 19-29 and 54-59).

13. As per claim 6, Mattaway teaches the system further wherein the video signal input from said video-input unit is a high-definition quality video signal (Mattaway, col. 7, lines 24-33; col. 8, lines 19-29 and 54-59).

14. As per claim 9, Mattaway teaches the system further wherein said application-control unit is operable to further receive an instruction from the second terminal, and give the instruction from the second terminal to the first application (Mattaway, col. 5, line 66 to col. 6, line 22).

15. As per claim 10, Mattaway teaches the system further wherein said application-control unit is operable to switch according to a setting by a user between a remote-control mode that gives the instruction from the second terminal to the first application, and the normal-control mode that gives an instruction to be performed by the network terminal (Mattaway, col. 9, lines 43-52).

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT 1.18.08

Nicholas Taylor  
Examiner  
Art Unit 2141



JASON CARDONE  
SUPERVISORY PATENT EXAMINER